

AMENDMENTS TO THE DRAWINGS

The Applicant respectfully requests approval of the amendments to Figures 1 and 2 as shown in the Replacement Sheets submitted concurrently herewith. The Office Action requested that Figures 1 and 2 be designated by a legend that indicates that Figures 1 and 2 depict the prior art. Figures 1 and 2 have been amended to designate each figure as depicting a “Prior Art Graphical User Interface”. No new matter is added. Reconsideration is respectfully requested.

REMARKS/ARGUMENTS

The Examiner is thanked for the performance of a thorough search. Claims 1, 12, 14-17, 20, 31, 33-36, and 39-49 have been amended. Claims 50-52 have been added. No claims have been canceled. No new matter has been added. Therefore, Claims 1-52 are pending in the application. Each issue raised in the Office Action is addressed hereinafter.

I. ISSUES NOT RELATED TO THE PRIOR ART

A. DRAWINGS

The Office Action objected to the drawings. The objection is addressed in the preceding section of this reply.

B. CLAIMS 39-49 – 35 U.S.C. § 101 – TANGIBLE EMBODIMENT

Claims 39-49 stand rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. The Office Action states that “The computer program product recited in the claims is not tangibly embodied on a computer-readable medium and is therefore nonstatutory functional descriptive material.” The rejection is respectfully traversed.

Present Claims 39-49 replace “computer program product having” with “computer-readable **storage** medium **storing**”. The “computer-readable storage medium” recited in present Claims 39-49 constitutes a statutory “apparatus” or “manufacture.” Thus, Claims 39-49 recite a tangible embodiment on a computer-readable medium. Reconsideration and withdrawal of the rejection is respectfully requested.

II. ISSUES RELATED TO THE PRIOR ART

A. CLAIM 1 and 12 – 35 U.S.C. § 102(a) – PRO TOOLS

Independent Claims 1 and 12 stand rejected under 35 U.S.C. § 102(a) as allegedly anticipated by Digidesign Pro Tools Reference Guide (“*Pro Tools*”). The rejection is respectfully traversed.

To anticipate a claim, the cited reference must teach each and every element of the claim. MPEP § 2131. As explained hereinafter, each pending claim recites at least one feature that is not disclosed, taught, or suggested by *Pro Tools*. Therefore, the rejection is overcome.

1. CLAIM 1 IS PATENTABLE OVER PRO TOOLS

Claim 1 features:

“A method for manipulating at least one audio file via a graphical user interface comprising:

displaying a timeline component having a set of time points indicative of a duration of an audio file;

displaying a waveform component having graphic elements that visually represent characteristics of said audio file over said duration;

obtaining input to said timeline component where said input identifies a first time point and a second time point of said set of time points;

generating a selection overlay comprising an area of said timeline component and said waveform component that falls between said first time point and said second time point;

wherein generating said selection overlay is performed in response to obtaining said input; and

wherein obtaining said input to said timeline component occurs at a time in which no selection overlay exists on either said timeline component or said waveform component.” (Emphasis added.)

None of the art of record discloses or in any way renders obvious these limitations.

Pro Tools at page 200 states in Step 1 under the section titled “To select a portion of a region:”, “With the **Selector**, drag **within the region** to select the material.” The figure on page 200 of *Pro Tools* labeled “Selecting a portion of a region” shows the results of a selection under step 1. *Pro Tools* at page 200 also states “When you make a selection, it appears as highlighted area of the track, and is also indicated by blue start and end arrows (Playback markers) in the Ruler at the top of the Edit window. (See figure labeled “Playback Markers indicating Edit selection”).

Therefore, *Pro Tools* at page 200 discloses making an edit selection by dragging the Selector **within the region** to select the material for editing. Applicant notes that the edit selection as shown on page 200 is not made by dragging the Selector **within the ruler**.

Pro Tools at page 207 states in step 1 under “To slide an Edit selection in the Ruler:”, “With the Selector or Grabber, make a track selection.” Step 2 states “While pressing Option (Macintosh) or Alt (Windows), move the cursor over either of the Playback Markers in the Ruler”. Finally, step 3 states “Drag left or right to move the Edit selection back or forward in time, while preserving its length.”

Therefore, *Pro Tools* at p. 207 discloses sliding an **existing** edit selection in the Ruler. Applicant notes that the existing edit selection was made using the steps outlined on page 200 of *Pro Tools* discussed above wherein a selection is made by dragging the Selector **within the region**.

Pro Tools at page 215 states in step 1 under “To separate a selection with the Separation Grabber:”, “With the Selector, drag to select the material for the new region or regions.” The figure on page 215 of *Pro Tools* labeled “Dragging later in track with Separation Grabber”

shows the results of a selection under step 1. Therefore, like the operation of sliding an edit selection in the ruler taught on page 207 of *Pro Tools*, the operation of separating a selection with the Separation Grabber taught on page 215 requires, as an initial step, making an edit selection by dragging the Selector **within the region** as taught on page 200 of *Pro Tools*.

In contrast to *Pro Tools*, Claim 1 generates a selection overlay in response to **obtaining input to a timeline component at a time when no selection overlay exists** on either an area of the timeline component or an area of the waveform component. The highlighted region shown in the figure labeled “Dragging later in track with separation Grabber” on page 215 of *Pro Tools* is generated by dragging the Selector **within the region** as taught on page 200 of *Pro Tools*. Therefore, the selection is generated in response to obtaining input to **the waveform component**, not the timeline component. Further, the highlighted region shown in the figure labeled “Sliding an Edit selection in the Ruler” on page 207 of *Pro Tools* is generated at a time when an edit selection exists, and not, as Claim 1 features, at a time when no selection overlay exists. (See Step 1 under “To slide an Edit selection in the Ruler” stating “With the Selector or Grabber, **make a trace selection.**” (Emphasis added.) Therefore, *Pro Tools* does not disclose, teach, or suggest generating a selection overlay in response to **obtaining input to the timeline component at a time when no selection overlay exists** comprising either an area of the timeline component or an area of the waveform component.

Because the art of record fails to disclose or suggest the limitations of Claim 1, Claim 1 and the claims dependent thereon are patentable over the art of record.

2. CLAIM 12 IS PATENTABLE OVER PRO TOOLS

Claim 12 features:

“A method for manipulating at least one audio file via a graphical user interface comprising:

displaying a timeline component having a set of time points indicative of
a duration of an audio file;

displaying a first waveform component having graphic elements that
visually represent characteristics of said audio file over said
duration;

concurrently displaying a plurality of graphical adjustable elements
wherein each graphical adjustable element visually
represents a distinct parameter component of said audio file
over said duration;

obtaining an adjustment input on a selected graphical adjustable element
representing a particular parameter component;

modifying said particular parameter component in said audio file in
accordance with said adjustment input on said selected graphical
adjustable element.” (Emphasis added.)

None of the art of record discloses or in any way renders obvious these limitations.

Original Claim 12 recited, among other things, “displaying a graphical adjustable element that visually represents a parameter component of said audio file over said duration.” The portion of *Pro Tools* cited by the Office Action regarding this displaying feature discloses displaying a line through a set of breakpoints that visually represents a component of an audio file such as volume or pan. See Pro Tools, page 392 (figures labeled “Track volume automation” and “Trace Pan automation”.) Applicant notes that *Pro Tools* on page 392 does not disclose **concurrent display** of more than one visual representation of a component of an audio file. Instead the user of the *Pro Tools* application must select a visual representation of a component to display (e.g., volume, pan, mute, etc.) by using the drop-down select box provided in the lower left hand corner of the graphical user interface. Indeed, the graphical user

interface disclosed in *Pro Tools* displays only one visual representation of a component of an audio file at a time.

In contrast to *Pro Tools*, pending Claim 12 recites “**concurrently displaying** a plurality of graphical adjustable elements wherein each graphical adjustable element visually represents a distinct parameter component of said audio file over said duration”. (Emphasis added.) This concurrent display feature is disclosed at least in Figures 3, 4, and 5 of the Application and the accompanying discussion in the Specification. Therefore, unlike the graphical user interface in *Pro Tools* which displays only one visual representation of a component of an audio file at a time, the graphical user interface featured in Claim 12 **concurrently displays** a plurality of graphical adjustable elements wherein each graphical adjustable element visually represents a distinct parameter component of said audio file over said duration.

Because the art of record fails to disclose or suggest the limitations of Claim 12, Claim 12 and the claims dependent thereon are patentable over the art of record.

B. CLAIMS 20, 31, 39 – 35 U.S.C. § 102(a) – PRO TOOLS

Independent Claims 20, 21, and 39 stand rejected under 35 U.S.C. § 102(a) as allegedly anticipated by *Pro Tools*. The rejection is respectfully traversed.

Independent Claims 20 and 39 recite features similar to the features recited by independent Claim 1. Independent Claim 31 recites features similar to the features recited by independent Claim 12. Therefore, Claims 20 and 39 are allowable for at least those reasons given above for Claim 1 and Claim 31 is allowable for at least those reasons given above for Claim 12. Reconsideration and withdrawal of the rejection is respectfully requested.

C. REAMAINING CLAIMS – 35 U.S.C. § 102(a) – PRO TOOLS

The pending claims not discussed so far are dependant claims that depend on an independent claim that is discussed above. Because each dependant claim includes the features of claims upon which they depend, the dependant claims are patentable for at least those reasons the claims upon which the dependant claims depend are patentable. Removal of the rejections with respect to the dependant claims and allowance of the dependant claims is respectfully requested. In addition, the dependent claims introduce additional features that independently render them patentable. Due to the fundamental differences already identified, a separate discussion of those features is not included at this time.

III. CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

Hickman Palermo Truong & Becker LLP

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/AdamCStone#60531/
Adam Christopher Stone
Reg. No. 60,531

2055 Gateway Place, Suite 550
San Jose, California 95110-1089
Telephone No.: (408) 414-1080
Facsimile No.: (408) 414-1076